

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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 CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2146

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos Antonio GOMEZ-Enriquez

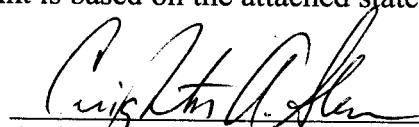
Defendant,

BY Magistrate Docket No. _____
 Case No. _____
)
) **COMPLAINT FOR VIOLATION OF:**
) **Title 8 USC, Section 1324(a)(1)(A)(ii)**
) **Transportation of Illegal Aliens**
) **(Felony)**
)
)
)
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)

The undersigned complainant, being duly sworn, states:

On or about July 14, 2008, within the Southern District of California, **Defendant Carlos Antonio GOMEZ-Enriquez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Daniel SIMBRON-Hernandez, Maribel GONZALEZ-Reyes, and Dorian MORALES-Gonzalez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 Creighton Skeen
 Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS THE 15th DAY OF JULY, 2008.


 Honorable Cathy A. Bencivengo
 UNITED STATES MAGISTRATE JUDGE

*CJR*STATEMENT OF FACTS

The complainant states that, **Daniel SIMBRON-Hernandez, Maribel GONZALEZ-Reyes, and Dorian MORALES-Gonzalez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

I declare under penalty of perjury, the following is true and correct:

On July 14th, 2008, Border Patrol Agent C. Skeen was assigned to the primary inspection position at the Interstate 8 Border Patrol Checkpoint near Pine Valley, California. At approximately 6:00 pm, a 1995 Freightliner tractor-trailer combination truck approached the primary inspection area. Agent Skeen immediately recognized that the tractor-trailer matched the description of a tractor-trailer previously identified as being involved in alien smuggling. Agent Skeen referred the tractor-trailer to the secondary inspection area where an inspection could be safely performed on the driver and any occupants. While in the secondary inspection area, Agent Skeen conducted an immigration inspection on the driver, later identified as Defendant Carlos GOMEZ-Enriquez. GOMEZ freely stated that he was a citizen of Mexico, adding that he was last admitted to the United States lawfully as a non-immigrant. Agent Skeen asked GOMEZ if there were any other occupants in the vehicle, to which GOMEZ replied "No."

Agent Skeen noticed the rear sleeper compartment curtain was closed. Agent Skeen then asked GOMEZ to open the curtain. GOMEZ then opened the curtain and revealed several suspected undocumented aliens. Agent Skeen questioned each of the individuals as to their citizenship and nationality. Each of the individuals admitted to being citizens and nationals of Mexico. Additionally, none of the Mexican nationals possessed any documentation that would permit them to be in, remain or pass through the United States legally. A total of nineteen undocumented aliens were removed from the sleeper compartment of the truck. Agent Skeen placed GOMEZ under arrest for violation of Title 8 United States Code, Section 1324, Alien Smuggling – Transportation. Agent Skeen also arrested the nineteen undocumented aliens for being present without admission. The undocumented aliens and GOMEZ were transported to the Pine Valley Border Patrol Station for processing.

STATEMENT OF DEFENDANT: (GOMEZ)

On July 14th, 2008, GOMEZ provided a post-arrest statement and stated that he last entered the United States lawfully as a non-immigrant visitor. GOMEZ stated that he is a citizen and national of Mexico, having been born in Baja California, Mexico. GOMEZ stated that on July 14th, 2008, he knowingly and unlawfully attempted to transport nineteen undocumented aliens further into the United States. GOMEZ stated that the vehicle he used was provided by an acquaintance. GOMEZ admitted to being offered \$100.00 USD per undocumented alien that he successfully transported. GOMEZ stated that he was transporting the undocumented aliens to San Diego, California, where he was to receive further directions. GOMEZ stated that he knew

the air-conditioning in the truck was not working and that some of the undocumented aliens complained of the heat within truck.

STATEMENT OF MATERIAL WITNESS (SIMBRON)

On July 14th, 2008, SIMBRON-Hernandez, Daniel admitted to being a citizen and national of Mexico, without any documentation to enter or remain in the United States legally. SIMBRON stated that he agreed to pay \$3,000.00 to be smuggled from Mexico to Los Angeles, California. SIMBRON stated that he and the other members of his group crossed the U.S. / Mexico international border with the aid of a foot-guide. SIMBRON stated that the group of undocumented aliens were led to a house where they waited for approximately one day. SIMBRON then stated that on July 14th 2008, at approximately 3:00 pm, he and the other undocumented aliens were loaded into a tractor-trailer to be transported to another location. SIMBRON was then shown photographs of each individual arrested during the smuggling event. SIMBRON identified photograph number four as the individual who was driving the vehicle. (Photograph number four depicts the Defendant, GOMEZ-Enriquez, Carlos).

STATEMENT OF MATERIAL WITNESS (GONZALEZ)

On July 14th, 2008, GONZALEZ-Reyes, Maribel admitted to being a citizen and national of Mexico, without any documentation to enter or remain in the United States legally. GONZALEZ stated that her cousin, MORALES agreed to pay an unknown sum of money to be smuggled from Mexico to Los Angeles, California. GONZALEZ stated that she crossed the U.S. / Mexico international border during the nighttime hours and was eventually transported to a house. GONZALEZ stated that she waited at the house until the afternoon of July 14th, 2008, when a truck transported her to a waiting tractor-trailer. GONZALEZ could not identify the driver but knew it was a man because of his voice.

STATEMENT OF MATERIAL WITNESS (MORALES)

On July 14th, 2008, MORALES-Gonzalez, Dorian admitted to being a citizen and national of Mexico, without any documentation to enter or remain in the United States legally. MORALES stated the he agreed to pay an unknown sum of money to be smuggled from Mexico to Las Vegas, Nevada. MORALES refused to state the exact amount of money he intended to pay. MORALES stated that he crossed the U.S. / Mexico international border during the nighttime hours. MORALES stated that he and the other undocumented aliens in his group were led to a paved road where they boarded the tractor-trailer they were eventually arrested in. MORALES identified photograph number four as the individual who was driving the vehicle. (Photograph number four depicts the Defendant, GOMEZ-Enriquez, Carlos).